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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/555,839	06/06/2000	IAN R FAIRMAN	36-1340	9293

7590 06/08/2004

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EXAMINER
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FIELDS, COURTNEY D

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 06/08/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/555,839

Applicant(s)

FAIRMAN ET AL.

Examiner

Courtney D. Fields

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

### ***Claim Objections***

2. Claim 10 is objected to because of the following informalities: "said characteristic variation in the in the data..." Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Spies et al. (U.S. Patent No. 6,055,314. Referring to claims 1,21, and 28, Spies et al. discloses a method comprising: outputting a plurality of application data units (ADUs), encrypting the ADUs, communicating the ADUs to a customer terminal, in the locality of the customer terminal, decrypting the ADUs, storing a record of the ADUs decrypted, and generating a receipt for ADUs received at the customer terminal by reading record data stored in Column 5, lines 10-53.

As per claims 2,14,and 18, Spies et al. discloses the claimed limitation in which the record stored in step (e) is generated by a secure module (smartcard) located at the customer terminal in Column 5, lines 55-67.

As per claims 3,15, and 19, Spies et al. discloses the claimed limitation in which the secure module encrypts the record and outputs it for storage outside the secure module in Column 6, lines 1-24.

As per claim 4, Spies et al. discloses the claimed limitation in which the encrypted ADUs are passed to the secure module and the secure module outputs decrypted ADUs in Column 6, lines 24-33.

As per claim 5, Spies et al. discloses the claimed limitation in which each of a plurality of ADUs output by the data source is encrypted with a different key, and a plurality of corresponding keys are generated at the customer terminal in Column 7, lines 1-61.

As per claims 6 and 20, Spies et al. discloses the claimed limitation in which the secure module outputs the plurality of corresponding keys and the customer terminal uses the keys to decrypt the plurality of ADUs in Column 7, lines 62-67, Column 8, lines 1-25.

Art Unit: 2137

As per claim 7, Spies et al. discloses the claimed limitation in which the remote data source generates and communicates to the customer terminal a seed value and the plurality of different keys are generated from the seed value in Column 8, lines 26-56.

As per claim 8, Spies et al. discloses the claimed limitation by applying different characteristic variations to data decrypted at different respective customer terminals in Column 7, lines 31-49.

As per claims 9 and 29, Spies et al. discloses the claimed limitation in which the characteristic variation is applied after decryption of the data by a secure module in Column 8, lines 26-49.

As per claims 10 and 30, Spies et al. discloses the claimed limitation by generating a key for decryption of data, which key includes a characteristic variation, and the characteristic variation in the data is induced by the characteristic variation in the key in Column 8, lines 8-25.

As per claim 11, Spies et al. discloses the claimed limitation by returning the receipt to the server in Column 5, lines 46-53.

As per claims 12 and 22, Spies et al. discloses a remote data source arranged to output a plurality of ADUs, encryption means for encrypting the plurality of ADUs, a communications network connected to the encryption means, a customer terminal connected to the communications network, decryption means located in the customer terminal from the communications network, store at the customer terminal for storing a record of ADUs decrypted, and means for reading record data from the store and

Art Unit: 2137

generating a receipt for ADUs received and decrypted by the customer terminal in Column 5, lines 10-53, Column 11, lines 26-67, Column 12, lines 1-21.

As per claim 13, Spies et al. discloses the claimed limitation in which the communications network is a packet-switched network in Column 9, lines 40-51.

As per claim 16, Spies et al. discloses the claimed limitation in which the encryption means are arranged to encrypt different ADUs with different respective keys, and the secure module is arranged to generate a plurality of keys for decrypting the plurality of ADUs received at the customer terminal in Column 7, lines 1-61, lines 62-67, Column 8, lines 1-25.

As per claims 17 and 23, Spies et al. discloses a customer terminal comprising: a data interface for receiving data from a data communications medium, decrypting means connected to the data interface and arranged to decrypt ADUs received via a data interface, means for generating a record of ADUs decrypted by the decryption means, and means for reading record data and generating a receipt for ADUs received and decrypted by the decryption means in Column 3, lines 5-67, Column 4, lines 1-7.

As per claim 24, Spies et al. discloses the claimed limitation by generating keys from a seed value by iterated operations on the seed value by selected ones of a plurality of predetermined functions in Column 9, lines 61-67, Column 10, lines 1-8.

As per claim 25, Spies et al. discloses the claimed limitation in which the selection of the predetermined functions is determined by the value of an ADU identity number in Column 13, lines 11-23.

Art Unit: 2137

As per claim 26, Spies et al. discloses the claimed limitation in which the predetermined functions are computationally symmetric in Column 7, lines 41-67.

As per claim 27, Spies et al. discloses the claimed limitation in which the functions are left shifted binary XOR and right shifted binary XOR in Column 10, lines 22-56.

As per claim 31, Spies et al. discloses the claimed limitation by reading decrypted ADU data and determining from the characteristic variations in the ADU data the identity of a terminal at which the data was originally received in Column 12, lines 39-67, Column 13, lines 1-23.

As per claim 32, Spies et al. discloses the claimed limitation in which the ADUs are communicated to a customer terminal via a communications network in Column 14, lines 18-58.

As per claim 33, Spies et al. discloses the claimed limitation including a plurality of remote data sources, each outputting a respective plurality of ADUs in Column 13, lines 55-67, Column 14, lines 1-17.

As per claim 34, Spies et al. discloses the claimed limitation comprising a plurality of remote data sources, outputting a respective plurality of ADUs in Column 13, lines 55-67, Column 14, lines 1-17, encrypting the ADUs from different remote data sources with different keys derived from a common seed value in Column 14, lines 59-67, communicating the ADUs to a plurality of customer terminals, in the locality of each customer terminal, decrypting the ADUs in Column 15, lines 1-64.

As per claims 35-36, Spies et al. discloses the claimed limitation in which the customer terminal receives a primary seed value common to the different data streams from the

plurality of data sources, and derive from the common primary key a plurality of different secondary seed values for decrypting ADUs from different data sources in Column 16, lines 19-54.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bigham et al. (US Patent No. 5,544,161) discloses a packet demultiplexer for use a network having distributed architecture.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 703-305-8293. The examiner can normally be reached on Mon - Thu 7:00 - 5:00 pm; off every Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 703-308-4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Application/Control Number: 09/555,839

Page 8

Art Unit: 2137

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May 31, 2004

*Matthew L. Smithers*  
MATTHEW SMITHERS  
PRIMARY EXAMINER  
*Art Unit 2137*